

FIFTY-FIRST DAY.

Senate Chamber,
Austin, Texas,
March 27, 1933.

The Senate met at 10 o'clock a. m., pursuant to adjournment, and was called to order by Lieutenant Governor Edgar E. Witt.

The roll was called, a quorum being present, the following Senators answering to their names:

Beck.	Pace.
Blackert.	Parr.
Collie.	Patton.
Cousins.	Poage.
DeBerry.	Purl.
Duggan.	Rawlings.
Fellbaum.	Redditt.
Greer.	Regan.
Holbrook.	Russek.
Hopkins.	Sanderford.
Hornsby.	Small.
Martin.	Stone.
Moore.	Woodruff.
Murphy.	Woodul.
Neal.	Woodward.

Absent—Excused.

Oneal.

Prayer by the Chaplain.

Pending the reading of the Journal of yesterday, the same was dispensed with on motion of Senator Woodward.

Petitions and Memorials.

(See Appendix.)

Committee Reports.

(See Appendix.)

Bills and Resolutions.

By unanimous consent, the rule relating to the introduction of general bills after the first 52 days of the session was suspended and consent was granted to introduce the following bills:

By Senator Woodul:

S. J. R. No. 26, Proposing amendments to Section 5 of Article 11 of the Constitution of Texas, permitting a city that has adopted and amended its charter as provided in Section 5 of Article 11 to alter, amend or repeal its charter once in every six months; providing for its submission to the voters of the State of Texas as required by the Constitu-

tion and making an appropriation therefor.

Read and referred to Committee on Constitutional Amendments.

By Senator Woodul:

S. J. R. No. 27, Proposing amendments to Section 30 of Art. 16 of the Constitution of Texas, permitting elected officials of a city that has adopted and amended its charter as provided in Section 5, of Article 11 of the Constitution of Texas, by amendment to such city's charter to hold office not exceeding four years; providing for its submission to the voters of the State of Texas as required by the Constitution and making an appropriation therefor.

Read and referred to Committee on Constitutional Amendments.

By Senator Small:

S. B. No. 476, A bill to be entitled "An Act ratifying and confirming a compact entered into by and between representatives of the State of Texas and the State of New Mexico authorized by Act of the Regular Session of the Forty-second Legislature and approved by the Governor on May 27, 1931, as shown in Chapter 251, Acts of the Forty-second Legislature."

Read and referred to Committee on State Affairs.

By Senator Small:

S. B. No. 477, A bill to be entitled "An Act repealing Chapter 56, Special Laws Forty-second Legislature, Regular Session 1931, known as H. B. 365 creating the County Court of Potter County at Law; transferring the causes pending on the docket of said court to the County Court of Potter County and the justice courts of Potter County; making all writs and process issued out of said County Court of Potter County at Law valid and binding in the court to which the causes are transferred; and declaring an emergency."

Read and referred to Committee on Civil Jurisprudence.

By Senator Woodul:

S. B. No. 478, A bill to be entitled "An Act to amend Articles 1670 and 1673 of the Revised Civil Statutes of the State of Texas, 1925, which Articles relate to the prescription of a system and the forms to be used for receipts and disbursements of navigation districts, and the method of appointment and pay-

ment of assistants to the county auditor in counties of more than 330,000 population, having a navigation district or other improvement districts, in cases in which said assistants are required for services in auditing the accounts of such districts; and declaring an emergency."

Read and referred to Committee on State Affairs.

By Senator Holbrook:

S. B. No. 479, A bill to be entitled "An Act transferring the unexpended and unappropriated balances in certain funds in the State Treasury to the General Revenue Fund at the beginning of the biennium ending August 31, 1935, and declaring an emergency."

Read and referred to Committee on Finance.

By Senator Moore:

S. B. No. 480, A bill to be entitled "An Act authorizing the board of trustees of independent school districts having a scholastic population of not less than 225 and not more than 325 according to the last State scholastic census, to borrow money from the Reconstruction Finance Corporation or from other sources, for the purpose of installing canning factories, manual training equipment, equipment for physical education department and for the erection of necessary buildings therefor, providing for charging of fees for the use of such equipment to make same self-liquidating, and providing for the issuance of securities based on such fees which may be supplemented by the local maintenance tax of such districts as a basis of credit for the purchase of such equipment as is named above; and declaring an emergency."

Read and referred to Committee on Educational Affairs.

Senator Excused.

On motion of Senator Small, Senator Oneal was excused for the week on account of important business.

S. C. R. No. 33.

Senator Woodul sent up the following resolution:

Whereas, Dr. A. W. McMillen, field representative for the Reconstruction Finance Corporation, in charge of the relief work in the State of Texas and five other con-

tiguous states, is in Austin on official business; and

Whereas, It is highly advisable that the members of the Legislature be advised of conditions and the work that is being done in this State; now, therefore be it

Resolved by the Senate, the House concurring, That the Legislature meet in joint session at 11:30 a. m., this the 27th day of March, A. D. 1933, and that Dr. A. W. McMillen be invited to address the Legislature.

WOODUL,
PACE,
RAWLINGS.

The resolution was read.

By unanimous consent the rule requiring resolutions to be referred before consideration, was suspended.

The resolution was adopted.

Bills Signed.

The Chair, Lieutenant Governor Edgar E. Witt, gave notice of signing, and did sign, in the presence of the Senate, after their captions had been read the following bills:

H. B. No. 644	H. B. No. 534
H. B. No. 596	H. B. No. 533
H. B. No. 822	H. B. No. 441
H. B. No. 168	H. B. No. 362
S. B. No. 456	H. B. No. 339
H. B. No. 589	H. B. No. 236
H. B. No. 539	H. B. No. 810
H. B. No. 535	

S. C. R. No. 34.

Senator Woodul sent up the following resolution:

Be It Resolved by the Senate of Texas, the House of Representatives concurring: That the sum of five hundred (\$500.00) dollars be paid out of the contingent expense fund of the Forty-third Legislature to pay for a suitable portrait of Governor R. S. Sterling, said portrait to be placed in the rotunda of the capitol with the portrait of the other governors of Texas. The portrait may be made by any artist agreeable to Governor R. S. Sterling, and before said portrait is accepted and placed in the rotunda by the Board of Control, such portrait offered shall be approved by Governor Sterling.

WOODUL,
WOODWARD.

The resolution was read.

By unanimous consent, the rule requiring resolutions to be referred before consideration was suspended. The resolution was adopted.

S. B. No. 386 Re-committed.

On motion of Senator Purl S. B. No. 386 was re-committed to the Committee on Banks and Banking.

Senate Bill No. 81.

The Chair laid before the Senate, as special order, the following bill: By Senators Beck, Purl, Moore, DeBerry and Hornsby:

S. B. No. 81, A bill to be entitled "An Act amending Article 1027 of the Code of Criminal Procedure of Texas as amended by Acts of the Forty-second Legislature, 1931, Regular Session, page 338, Chapter 205, Section 1, relating to repayment of moneys to the State by officers; and declaring an emergency."

Read second time.

On motion of Senator Beck, S. B. No. 435, on the same subject, was taken up in place of S. B. No. 81 and S. B. No. 81 was laid on the table subject to call.

Senate Bill No. 435.

The Chair laid before the Senate on its second reading the following bill:

By Senators Beck, Moore, DeBerry:

S. B. No. 435, A bill to be entitled "An Act amending Article 1027, Code of Criminal Procedure, as amended by Chapter 205, General Laws, Regular Session, Forty-second Legislature, so as to provide that no officer shall collect any fees from the State of Texas in any case, except murder, where a defendant may, under the indictment, be convicted of a misdemeanor or a felony with punishment assessed at a fine, jail sentence or both such fine and imprisonment in jail until after the case has been finally disposed of; providing that the provisions of this Act shall not be construed as in any way affecting the provisions of Article 1019, Code of Criminal Procedure, as amended by Chapter 205, General Laws, Regular Session, Forty-second Legislature, and declaring an emergency."

The bill was read second time and passed to engrossment.

On motion of Senator Beck, the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 435 was put on its third reading and final passage by the following vote:

Yeas—29.

Beck.	Parr.
Blackert.	Patton.
Collie.	Poage.
DeBerry.	Purl.
Duggan.	Rawlings.
Fellbaum.	Redditt.
Greer.	Regan.
Holbrook.	Russek.
Hopkins.	Sanderford.
Hornsby.	Small.
Martin.	Stone.
Moore.	Woodruff.
Murphy.	Woodul.
Neal.	Woodward.
Pace.	

Nays—1.

Cousins.

Absent—Excused.

Oneal.

Read third time and finally passed by the following vote:

Yeas—29.

Beck.	Parr.
Blackert.	Patton.
Collie.	Poage.
DeBerry.	Purl.
Duggan.	Rawlings.
Fellbaum.	Redditt.
Greer.	Regan.
Holbrook.	Russek.
Hopkins.	Sanderford.
Hornsby.	Small.
Martin.	Stone.
Moore.	Woodruff.
Murphy.	Woodul.
Neal.	Woodward.
Pace.	

Nays—1.

Cousins.

Absent—Excused.

Oneal.

Senate Bill No. 423.

The Chair laid before the Senate on its second reading, as special order, the following bill:

By Senators Beck, Moore, Purl and DeBerry:

S. B. No. 523, A bill to be entitled "An Act relating to claim against the State of Texas arising by reason of mileage purported to have been

traveled by fee officers and/or other persons traveling on State expense; designating official mileage chart; and declaring an emergency."

The committee amendment was adopted.

The bill was read second time.

Senator Small sent up the following amendment:

Amend S. B. No. 423, line 2, printed bill after word "traveled" "other than by railroad."

SMALL.

Read and adopted.

The bill was passed to engrossment.

On motion of Senator Beck, the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 423 was put on its third reading and final passage by the following vote:

Yeas—30.

Beck.	Pace.
Blackert.	Parr.
Collie.	Patton.
Cousins.	Poage.
DeBerry.	Purl.
Duggan.	Rawlings.
Fellbaum.	Redditt.
Greer.	Regan.
Holbrook.	Russek.
Hopkins.	Sanderford.
Hornsby.	Small.
Martin.	Stone.
Moore.	Woodruff.
Murphy.	Woodul.
Neal.	Woodward.

Absent—Excused.

Oneal.

Read third time and finally passed by the following vote:

Yeas—30.

Beck.	Pace.
Blackert.	Parr.
Collie.	Patton.
Cousins.	Poage.
DeBerry.	Purl.
Duggan.	Rawlings.
Fellbaum.	Redditt.
Greer.	Regan.
Holbrook.	Russek.
Hopkins.	Sanderford.
Hornsby.	Small.
Martin.	Stone.
Moore.	Woodruff.
Murphy.	Woodul.
Neal.	Woodward.

Absent—Excused.

Oneal.

Message From the House.

Hall of the House of Representatives,
Austin, Texas, March 27, 1933.

Hon. Edgar E. Witt, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bills:

S. B. No. 456, A bill to be entitled "An Act to be known as Article 4386a, Revised Civil Statutes, 1925; providing for the issuance of warrants for United States postage stamps to be used by boards or departments of the State government, and providing for the payment of such warrant irrespective of the serial number thereof or the priority of the issuance thereof; and declaring an emergency."

H. B. No. 599, A bill to be entitled "An Act to amend Chapter 7, House Bill No. 35, Acts of the Third Called Session of the Forty-second Legislature, regulating the taking of certain wild fur-bearing animals; providing for a penalty for violation thereof, and declaring an emergency."

H. B. No. 646, A bill to be entitled "An Act to prohibit the sale, or offering for sale, or the buying of any bass, crappie, perch, or catfish, or any other fish, taken from the fresh waters within the following named counties: San Saba, Gillespie, Kerr, Comal, Llano, Mason, Kimble, Val Verde, Edwards, Sutton, and Real; and to prohibit the use of trot line, drag seine, or net, and to limit the size and number of fish to be caught; repealing all laws and parts of laws in conflict herewith; and declaring an emergency."

H. B. No. 689, A bill to be entitled "An Act to amend Article 880 of the Penal Code of 1925; and declaring an emergency."

H. B. No. 810, A bill to be entitled "An Act to amend Chapter 314, Acts Forty-second Legislature, 1931, being House Bill No. 981 (Art. 1118-a, Vernon's Revised Civil Statutes, 1925, and 1932 Supplements), by amending Section 2-a thereof to hereafter read and provide that the requirements of House Bill No. 312, Acts Forty-second Legislature, 1931, Chapter 163, with reference to notice, competitive bids, and the right to referendum shall not apply

to cities and towns acting under authority of this Act until after June 1, 1934, instead of after June 1, 1932, etc., and declaring an emergency."

The House has adopted the following resolution as amended:

S. C. R. No. 33, Providing for a joint session of the House and the Senate at 11:30 a. m., March 27, 1933, to hear Dr. A. W. McMillen.

Respectfully submitted,

LOUISE SNOW PHINNEY,
Chief Clerk, House of Representatives.

Senate Bill No. 80.

The Chair laid before the Senate on its second reading as special order the following bill:

By Senators Beck, Purl, Moore, DeBerry and Hornsby:

S. B. No. 80, A bill to be entitled "An Act amending Article 367 of the Texas Penal Code, relating to demanding and collecting illegal fees; and declaring an emergency."

Read second time.

On motion of Senator Beck, the bill was laid on the table subject to call.

Motion to Reconsider.

Senator Martin moved to reconsider the vote by which H. B. No. 490 was finally passed, and spread the motion on the Journal.

Senator Purl moved to suspend the regular order of business and take up the motion to reconsider.

Senator Martin raised the point of order that after a motion was spread on the Journal, a day's notice must be given before the motion could be called up for consideration.

Senator Martin raised the further point of order that this motion was on a House bill and since this was not House Bill Day, the motion could not be taken up today.

The Chair, President Pro Tem. Walter Woodul, overruled the second point of order, holding that the Senate could take up House bills at any time it so desired, although on House Bill Days Senate bills could not be taken up until all House bills on the calendar had been disposed of.

The Chair, President Pro Tem. Walter Woodul, overruled the first point of order, holding that the effect of spreading a motion on the Journal was the same as laying it on the

table subject to call, which could be called up at any time, provided no other business was pending, or the regular order of business was suspended.

Senator Martin raised the point of order that Senator Purl was not discussing the pending motion but was discussing the merits of the bill.

The Chair, President Pro Tem. Walter Woodul, held that the discussion of such a motion necessarily involved a discussion of the merits of the bill.

Senator Purl moved to table the motion to reconsider and spread on the Journal.

The Chair, Lieutenant Governor Edgar E. Witt, held that the motion was out of order because it was necessary first to suspend the pending special orders by a two-thirds vote and call up from the Journal the motion to reconsider before it was subject to a motion to table.

Senator Holbrook moved the previous question on the further consideration of the motion. The motion failed to receive the proper seconding.

The motion to suspend the special orders and call up from the Journal the motion to reconsider was lost by the following vote:

Yeas—12.

Collie.	Moore.
DeBerry.	Poage.
Duggan.	Purl.
Fellbaum.	Redditt.
Greer.	Woodul.
Hornsby.	Woodward.

Nays—10.

Beck.	Murphy.
Blackert.	Pace.
Holbrook.	Patton.
Hopkins.	Rawlings.
Martin.	Sanderford.

Absent.

Cousins.	Russek.
Neal.	Small.
Parr.	Stone.
Regan.	Woodruff.

Absent—Excused.

Oneal.

(Two-thirds vote required.)

Motion to Concur.

On motion of Senator Woodul, the Senate voted to concur in the House amendment to S. C. R. No. 33.

House Bills Referred.

H. B. No. 599, referred to Committee on Game and Fish.

H. B. No. 646, referred to Committee on Game and Fish.

H. B. No. 689, referred to Committee on Game and Fish.

H. B. No. 810, referred to Committee on Towns and City Corporations.

Senate Bill No. 437.

The Chair laid before the Senate on its second reading as special order the following bill:

By Senators Beck, Moore, DeBerry and Purl:

S. B. No. 437, A bill to be entitled "An Act amending Article 26, Chapter 2, Title 1, Code of Criminal Procedure, relating to the duties of county attorneys; prescribing their compensation for representing the State, either alone or aiding the district attorney in the prosecution of felony cases, including habeas corpus hearings, where the relator is charged with an offense of the grade of felony in the district court; providing that such compensation shall be deducted from the compensation allowed district attorneys, and declaring an emergency."

The bill was read second time and passed to engrossment.

On motion of Senator Beck, the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 437 was put on its third reading and final passage by the following vote:

Yeas—30.

Beck.	Pace.
Blackert.	Parr.
Collie.	Patton.
Cousins.	Poage.
DeBerry.	Purl.
Duggan.	Rawlings.
Fellbaum.	Redditt.
Greer.	Regan.
Holbrook.	Russek.
Hopkins.	Sanderford.
Hornsby.	Small.
Martin.	Stone.
Moore.	Woodruff.
Murphy.	Woodul.
Neal.	Woodward.

Absent—Excused.

Oneal.

Read third time and finally passed by the following vote:

Yeas—30.

Beck.	Pace.
Blackert.	Parr.
Collie.	Patton.
Cousins.	Poage.
DeBerry.	Purl.
Duggan.	Rawlings.
Fellbaum.	Redditt.
Greer.	Regan.
Holbrook.	Russek.
Hopkins.	Sanderford.
Hornsby.	Small.
Martin.	Stone.
Moore.	Woodruff.
Murphy.	Woodul.
Neal.	Woodward.

Absent—Excused.

Oneal.

Senate Bill No. 84.

The Chair laid before the Senate on its second reading as special order the following bill:

By Senators Beck, Purl, Moore, DeBerry and Hornsby:

S. B. No. 84, A bill to be entitled "An Act relating to fees of sheriff or constable; amending Article 1030, Section 1, Texas Code of Criminal Procedure."

Read second time.

Senator Beck sent up the following amendment:

Amend by adding a new section—Section No. 2—to read as follows: "Owing to the crowded condition of the calendar and the importance of this bill creates an emergency and an imperative public necessity, requiring bills to be read on three several days be suspended and this bill take effect and be in force from and after its passage, and it is so enacted;" and amend the caption to conform.

BECK.

Read and adopted.

The bill was passed to engrossment.

On motion of Senator Beck, the constitutional rule requiring bills to be read on three several days was suspended, and S. B. No. 84 was put on its third reading and final passage by the following vote:

Yeas—30.

Beck.	Pace.
Blackert.	Parr.
Collie.	Patton.
Cousins.	Poage.
DeBerry.	Purl.
Duggan.	Rawlings.
Fellbaum.	Redditt.
Greer.	Regan.
Holbrook.	Russek.
Hopkins.	Sanderford.
Hornsby.	Small.
Martin.	Stone.
Moore.	Woodruff.
Murphy.	Woodul.
Neal.	Woodward.

Absent—Excused.

Oneal.

Read third time.

Joint Session.

At 11:45 o'clock a. m., the Senate adjourned to the House for the joint session.

In the House.

In accordance with a resolution heretofore adopted, inviting the Hon. A. W. McMillen to address a joint session of the House and Senate, at 11:45 o'clock a. m., today, the Senate appeared at the Bar of the House, and, being admitted, were escorted to seats prepared for them along the aisle.

Lieutenant Governor Edgar E. Witt, being invited, occupied a seat on the Speaker's stand.

Speaker Stevenson then presented Senator Walter Woodul, who, in turn, introduced Dr. A. W. McMillen.

Dr. McMillen then addressed the joint session.

Recess.

The Senate returned to the Senate Chamber at 12:25 o'clock p. m.

On motion of Senator Moore, the Senate, at 12:26 o'clock p. m., recessed until 2.30 o'clock p. m.

After Recess.

The Senate met at 2:30 o'clock p. m., pursuant to recess, and was called to order by Lieutenant Governor Edgar E. Witt.

Senate Bill No. 84.

The question recurred upon S. B. No. 84.

The bill was finally passed by the following vote:

Yeas—30.

Blackert.	Pace.
Beck.	Parr.
Collie.	Patton.
Cousins.	Poage.
DeBerry.	Purl.
Duggan.	Rawlings.
Fellbaum.	Redditt.
Greer.	Regan.
Holbrook.	Russek.
Hopkins.	Sanderford.
Hornsby.	Small.
Martin.	Stone.
Moore.	Woodruff.
Murphy.	Woodul.
Neal.	Woodward.

Absent—Excused.

Oneal.

Senate Bill No. 83.

The Chair laid before the Senate on its second reading as special order the following bill:

By Senators Beck, Purl, Moore, DeBerry and Hornsby:

S. B. No. 83, A bill to be entitled "An Act amending Section 5, of Article 1029 of the Texas Code of Criminal Procedure, relating to fees of sheriff or constable; and declaring an emergency."

The bill was read second time and passed to engrossment.

On motion of Senator Beck, the constitutional rule requiring bills to be read on three several days was suspended, and S. B. No. 83 was put on its third reading and final passage by the following vote:

Yeas—30.

Beck.	Pace.
Blackert.	Parr.
Collie.	Patton.
Cousins.	Poage.
DeBerry.	Purl.
Duggan.	Rawlings.
Fellbaum.	Redditt.
Greer.	Regan.
Holbrook.	Russek.
Hopkins.	Sanderford.
Hornsby.	Small.
Martin.	Stone.
Moore.	Woodruff.
Murphy.	Woodul.
Neal.	Woodward.

Absent—Excused.

Oneal.

Read third time and finally passed by the following vote:

Yeas—30.

Beck.	Pace.
Blackert.	Parr.
Collie.	Patton.
Cousins.	Poage.
DeBerry.	Purl.
Duggan.	Rawlings.
Fellbaum.	Redditt.
Greer.	Regan.
Holbrook.	Russek.
Hopkins.	Sanderford.
Hornsby.	Small.
Martin.	Stone.
Moore.	Woodruff.
Murphy.	Woodul.
Neal.	Woodward.

Absent—Excused.

Oneal.

Motion to Re-commit.

Senator Small asked unanimous consent to re-commit S. B. No. 209 to the Committee on Criminal Jurisprudence.

Objection was heard.

Senator Small moved to re-commit the bill.

Senator Purl moved as a substitute that the bill be set as a special order next Friday immediately following the morning call. The substitute motion was adopted.

The motion as substituted was adopted.

House Bill No. 810.

Senator Parr asked unanimous consent to suspend the regular order and take up H. B. No. 810.

Objection was heard.

Senator Parr moved to suspend the regular order and take up H. B. No. 810. The motion prevailed by the following vote:

Yeas—20.

Beck.	Parr.
Blackert.	Poage.
Collie.	Purl.
DeBerry.	Rawlings.
Fellbaum.	Redditt.
Greer.	Russek.
Hornsby.	Sanderford.
Murphy.	Small.
Neal.	Woodul.
Pace.	Woodward.

Nays—1.

Holbrook.

Present—Not Voting.

Martin.

Absent.

Cousins.	Patton.
Duggan.	Regan.
Hopkins.	Stone.
Moore.	Woodruff.

Absent—Excused.

Oneal.

The Chair laid before the Senate on its second reading the following bill:

By Mr. Pope:

H. B. No. 810, A bill to be entitled "An Act to amend Chapter 314, Acts, Forty-second Legislature, 1931, being House Bill No. 981 (Art. 1118-a, Vernon's Revised Civil Statutes, 1925, and 1932 Supplements), by amending Section 2-a thereof to hereafter read and provide that the requirements of House Bill No. 312, Acts Forty-second Legislature, 1931, Chapter 163, with reference to notice, competitive bids, and the right to referendum shall not apply to cities and towns acting under authority of this Act until after June 1, 1934, instead of after June 1, 1932, etc., and declaring an emergency."

The rule requiring committee reports to lie over one day was suspended by unanimous consent.

The committee report recommending that the bill be not printed was adopted by unanimous consent.

The bill was read second time and passed to third reading.

On motion of Senator Parr the constitutional rule requiring bills to be read on three several days was suspended and H. B. 810 was put on its third reading and final passage by the following vote:

Yeas—30.

Beck.	Pace.
Blackert.	Parr.
Collie.	Patton.
Cousins.	Poage.
DeBerry.	Purl.
Duggan.	Rawlings.
Fellbaum.	Redditt.
Greer.	Regan.
Holbrook.	Russek.
Hopkins.	Sanderford.
Hornsby.	Small.
Martin.	Stone.
Moore.	Woodruff.
Murphy.	Woodul.
Neal.	Woodward.

Absent—Excused.

Oneal.

Read third time and finally passed by the following vote:

Yeas—29.

Beck.	Pace.
Blackert.	Parr.
Collie.	Patton.
Cousins.	Poage.
DeBerry.	Purl.
Duggan.	Redditt.
Fellbaum.	Regan.
Greer.	Russek.
Holbrook.	Sanderford.
Hopkins.	Small.
Hornsby.	Stone.
Martin.	Woodruff.
Moore.	Woodul.
Murphy.	Woodward.
Neal.	

Nays—1.

Rawlings.

Absent—Excused.

Oneal.

Motion to Re-commit.

Senator Woodul moved to re-commit S. B. No. 223 to the Committee on Civil Jurisprudence. The motion prevailed.

Motion to Secure Statutes.

On motion of Senator Purl, the Secretary of the Senate was instructed to secure from the Secretary of State copies of all laws passed by the Regular and Special Sessions of the Fortieth, Forty-first and Forty-second Legislatures, to be kept on the desk of the Secretary of the Senate for the use of members of the Senate.

Senate Bill No. 85.

The Chair laid before the Senate on its second reading as special order the following bill:

By Senators Beck, Purl, Moore, DeBerry and Hornsby:

S. B. No. 85, A bill to be entitled "An Act amending Article 1020, Texas Code of Criminal Procedure, relating to testimony in examining courts; providing for filing of such testimony with district clerks; providing for payment of fees to district clerks and county attorneys in examining trials; and declaring an emergency."

The two committee amendments were adopted.

The bill was read second time and passed to engrossment.

On motion of Senator Beck, the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 85 was put on its third reading and final passage by the following vote:

Yeas—30.

Beck.	Pace.
Blackert.	Parr.
Collie.	Patton.
Cousins.	Poage.
DeBerry.	Purl.
Duggan.	Rawlings.
Fellbaum.	Redditt.
Greer.	Regan.
Holbrook.	Russek.
Hopkins.	Sanderford.
Hornsby.	Small.
Martin.	Stone.
Moore.	Woodruff.
Murphy.	Woodul.
Neal.	Woodward.

Absent—Excused.

Oneal.

Read third time and finally passed by the following vote:

Yeas—30.

Beck.	Pace.
Blackert.	Parr.
Collie.	Patton.
Cousins.	Poage.
DeBerry.	Purl.
Duggan.	Rawlings.
Fellbaum.	Redditt.
Greer.	Regan.
Holbrook.	Russek.
Hopkins.	Sanderford.
Hornsby.	Small.
Martin.	Stone.
Moore.	Woodruff.
Murphy.	Woodul.
Neal.	Woodward.

Absent—Excused.

Oneal.

Senate Bill No. 438.

The Chair laid before the Senate on its second reading as special order the following bill:

By Senators Beck, Purl, DeBerry, Moore:

S. B. No. 438, A bill to be entitled "An Act to amend Article 47, Chap-

ter 2, Title 1, Code of Criminal Procedure, so as to provide that when a district clerk fails, neglects or refuses to make any report required of such officer by the Attorney General, that the Attorney General shall notify in writing the Comptroller of Public Accounts of such failure, neglect or refusal, whereupon the Comptroller shall refuse to issue any warrant which may be due to such district clerk until such report is made, and declaring an emergency."

The bill was read second time and passed to engrossment.

On motion of Senator Beck, the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 438 was put on its third reading and final passage by the following vote:

Yeas—30.

Beck.	Pace.
Blackert.	Parr.
Collie.	Patton.
Cousins.	Poage.
DeBerry.	Purl.
Duggan.	Rawlings.
Fellbaum.	Redditt.
Greer.	Regan.
Holbrook.	Russek.
Hopkins.	Sanderford.
Hornsby.	Small.
Martin.	Stone.
Moore.	Woodruff.
Murphy.	Woodul.
Neal.	Woodward.

Absent—Excused.

Oneal.

Read third time and finally passed by the following vote:

Yeas—30.

Beck.	Pace.
Blackert.	Parr.
Collie.	Patton.
Cousins.	Poage.
DeBerry.	Purl.
Duggan.	Rawlings.
Fellbaum.	Redditt.
Greer.	Regan.
Holbrook.	Russek.
Hopkins.	Sanderford.
Hornsby.	Small.
Martin.	Stone.
Moore.	Woodruff.
Murphy.	Woodul.
Neal.	Woodward.

Absent—Excused.

Oneal.

Senate Bill No. 436.

The Chair laid before the Senate on its second reading as special order the following bill in lieu of S. B. No. 147, which was indefinitely postponed:

By Senators Beck, Purl, DeBerry, Moore:

S. B. No. 436, A bill to be entitled "An Act amending Article 273, Code of Criminal Procedure of the State of Texas for 1925, by adding thereto sub-section 6, providing that the bail bond of an accused shall be conditioned that the principal and sureties will pay all expenses incurred by peace officers in re-arresting the principal in the event the conditions of the bond are violated and he fails to appear before the court or magistrate on the day stated; that such expense shall be in addition to the principal amount of the bond; that the failure of the bond to contain the condition specified herein shall not affect its legality, but that the peace officer shall look only to the bondsmen for expenses incurred by him in re-arresting an accused who has violated the conditions of his bond; and declaring an emergency."

The bill was read second time and passed to engrossment.

On motion of Senator Beck, the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 436 was put on its third reading and final passage by the following vote:

Yeas—30.

Beck.	Pace.
Blackert.	Parr.
Collie.	Patton.
Cousins.	Poage.
DeBerry.	Purl.
Duggan.	Rawlings.
Fellbaum.	Redditt.
Greer.	Regan.
Holbrook.	Russek.
Hopkins.	Sanderford.
Hornsby.	Small.
Martin.	Stone.
Moore.	Woodruff.
Murphy.	Woodul.
Neal.	Woodward.

Absent—Excused.

Oneal.

Read third time and finally passed by the following vote:

Yeas—30.

Beck.	Pace.
Blackert.	Parr.
Collie.	Patton.
Cousins.	Poage.
DeBerry.	Purl.
Duggan.	Rawlings.
Fellbaum.	Redditt.
Greer.	Regan.
Holbrook.	Russek.
Hopkins.	Sanderford.
Hornsby.	Small.
Martin.	Stone.
Moore.	Woodruff.
Murphy.	Woodul.
Neal.	Woodward.

Absent—Excused

Oneal.

Senate Bill No. 80.

Senator Purl asked to call up from the table S. B. No. 80.

Senator Holbrook raised the point of order that the bill had been laid on the table subject to call and therefore was no longer a special order, and that under the joint rules the bill could not be called up ahead of appropriation bills, one of which was now on the calendar as a special order.

The Chair, Lieutenant Governor Edgar E. Witt, sustained the point of order.

Senator Purl asked unanimous consent to consider S. B. No. 80 at this time. Unanimous consent was granted.

The bill was passed to engrossment.

On motion of Senator Beck, the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 80 was put on its third reading and final passage by the following vote:

Yeas—30.

Beck.	Murphy.
Blackert.	Neal.
Collie.	Pace.
Cousins.	Parr.
DeBerry.	Patton.
Duggan.	Poage.
Fellbaum.	Purl.
Greer.	Rawlings.
Holbrook.	Redditt.
Hopkins.	Regan.
Hornsby.	Russek.
Martin.	Sanderford.
Moore.	Small.

Stone.	Woodul.
Woodruff.	Woodward.

Absent—Excused.

Oneal.

Read third time and finally passed by the following vote:

Yeas—30.

Beck.	Pace.
Blackert.	Parr.
Collie.	Patton.
Cousins.	Poage.
DeBerry.	Purl.
Duggan.	Rawlings.
Fellbaum.	Redditt.
Greer.	Regan.
Holbrook.	Russek.
Hopkins.	Sanderford.
Hornsby.	Small.
Martin.	Stone.
Moore.	Woodruff.
Murphy.	Woodul.
Neal.	Woodward.

Absent—Excused.

Oneal.

Senate Bill No. 92.

The Chair laid before the Senate on its second reading as special order the following bill:

By Senator Small:

S. B. No. 92, A bill to be entitled "An Act amending Article 6008 of the Revised Civil Statutes of 1925 as amended by Section 2, Chapter 26, of the Acts of the Forty-second Legislature, First Called Session, prohibiting the waste of gas by escape and requiring the confinement thereof under the terms and conditions of said Article; providing for the utilization of gas containing hydrogen sulphide or other foreign substance, for purposes other than light or fuel, to the extent of 25 per cent of the open flow of the wells producing such gas; giving the Commission authority to permit such utilization in excess of 25 per cent of the open flow after hearing; and providing that such utilization shall not constitute waste; affixing penalty for violation thereof; repealing all laws in conflict therewith, and declaring an emergency."

Read second time.

The committee substitute was adopted.

Senator Small sent up the following amendments:

Amend committee substitute to S. B. No. 92 by striking out all words following the words "natural gas" in line 43 on page 2 of the printed bill, down to and including the word "acres" in line 45, and inserting in lieu thereof, the word "only."

SMALL.

Read and adopted.

Amend committee substitute to S. B. No. 92 by inserting the following words after the word "that" in line 48 on page 2 of the printed bill: "in all common reservoirs or pools consisting of more than three hundred thousand acres."

SMALL.

Read and adopted.

Amend S. B. No. 92 by adding the following words after the word "unconstitutional" in the next to the last line of the caption: "the remaining portions thereof."

SMALL.

Read and adopted.

The bill was passed to engrossment by the following vote:

Yeas—14.

Duggan.	Poage.
Hornsby.	Rawlings.
Martin.	Regan.
Murphy.	Sanderford.
Pace.	Small.
Parr.	Woodruff.
Patton.	Woodward.

Nays—7.

Collie.	Purl.
Cousins.	Redditt.
DeBerry.	Stone.
Moore.	

Absent.

Blackert.	Holbrook.
Fellbaum.	Russek.
Greer.	

Absent—Excused.

Oneal.

(Pairs Recorded.)

Senator Neal (present) who would vote yea with Senator Hopkins (absent), who would vote nay.

Senator Woodul (present) who would vote nay with Senator Beck (absent), who would vote yea.

On motion of Senator Small, the constitutional rule requiring bills to be read on three several days was

suspended and S. B. No. 92 was put on its third reading and final passage by the following vote:

Yeas—25.

Blackert.	Parr.
Collie.	Patton.
DeBerry.	Poage.
Duggan.	Purl.
Fellbaum.	Rawlings.
Greer.	Redditt.
Holbrook.	Regan.
Hornsby.	Sanderford.
Martin.	Small.
Moore.	Stone.
Murphy.	Woodruff.
Neal.	Woodward.
Pace.	

Nays—2.

Cousins.	Woodul.
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Absent.

Beck.	Russek.
Hopkins.	

Absent—Excused.

Oneal.

Read third time and finally passed by the following vote:

Yeas—13.

Duggan.	Poage.
Fellbaum.	Rawlings.
Hornsby.	Regan.
Martin.	Sanderford.
Murphy.	Small.
Parr.	Woodward.
Patton.	

Nays—7.

Collie.	Moore.
Cousins.	Purl.
DeBerry.	Stone.
Holbrook.	

Absent.

Blackert.	Russek.
Greer.	Woodruff.

Absent—Excused.

Oneal.

(Pairs Recorded.)

Senator Neal (present) who would vote yea with Senator Hopkins (absent), who would vote nay.

Senator Pace (present) who would vote yea with Senator Redditt (absent), who would vote nay.

Senator Woodul (present) who would vote nay with Senator Beck (absent), who would vote yea.

Motions to Set Special Orders.

On motion of Senator DeBerry, S. B. No. 300 was set as special order Friday morning immediately following S. B. No. 209.

On motion of Senator Moore, S. B. No. 299 was set as special order Friday morning immediately following S. B. No. 300.

Adjournment.

On motion of Senator Hornsby, the Senate, at 5:50 o'clock p. m., adjourned until 10 o'clock tomorrow morning.

APPENDIX.

Petitions and Memorials.

Dallas, Texas, March 24, 1933.
The Senate of Texas:

My brother and I deeply appreciate your expression of sympathy in our recent sorrow.

Your thoughtfulness will always be remembered and cherished by us.

SARAH T. HUGHES.

Committee on Enrolled Bills.

Committee Room,
Austin, Texas, March 27, 1933.
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Enrolled Bills, have had S. B. No. 456, carefully examined and compared, and find same correctly enrolled.

GREER, Chairman.

Committee Room,
Austin, Texas, March 27, 1933.
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Enrolled Bills, have had S. C. R. No. 33 carefully examined and compared, and find same correctly enrolled.

GREER, Chairman.

Committee on Engrossed Bills.

Committee Room,
Austin, Texas, March 27, 1933.
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 83 carefully examined and compared, and find same correctly engrossed.

REGAN, Chairman.

Committee Room,
Austin, Texas, March 27, 1933.
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 84 carefully examined and compared, and find same correctly engrossed.

REGAN, Chairman.

Committee Room,
Austin, Texas, March 27, 1933.
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 437 carefully examined and compared, and find same correctly engrossed.

REGAN, Chairman.

Committee Room,
Austin, Texas, March 27, 1933.
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 423 carefully examined and compared, and find same correctly engrossed.

REGAN, Chairman.

Committee Room,
Austin, Texas, March 27, 1933.
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 435 carefully examined and compared, and find same correctly engrossed.

REGAN, Chairman.

Committee Room,
Austin, Texas, March 24, 1933.
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 33 carefully examined and compared, and find same correctly engrossed.

REGAN, Chairman.

Committee Room,
Austin, Texas, March 24, 1933.
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 32 carefully examined and compared, and find same correctly engrossed.

REGAN, Chairman.

Committee Reports.

Committee Room,
Austin, Texas, March 27, 1933.
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Towns and City Corporations, to whom was referred

H. B. No. 810, A bill to be entitled "An Act to amend Chapter 314, Acts Forty-second Legislature, 1931, being H. B. No. 981 (Article 1118a, Vernon's Revised Civil Statutes, 1925, and 1932 supplements), by amending Section 2a thereof to hereafter read and provide that the requirements of H. B. No. 312, Acts Forty-second Legislature, 1931, Chapter 163, with reference to notice, competitive bids, and the right to referendum shall not apply to cities and towns acting under authority of this Act until after June 1, 1934, instead of after June 1, 1932, as provided in Section II of said H. B. No. 312; repealing all laws and parts of laws in conflict herewith, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be not printed.

COUSINS, Chairman.

Committee Room,
Austin, Texas, March 27, 1933.
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence, to whom was referred

H. B. No. 88, A bill to be entitled "An Act to provide for liens in favor of hospitals and other institutions furnishing care, treatment and maintenance of persons injured in accidents, upon the rights of action, claims and demands of such injured persons against other persons or corporations for damages on account of negligence causing the injuries and upon the proceeds of the settlements of any such claims or demands, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, together with the attached committee amendments, and be printed.

WOODWARD, Chairman.

Committee Amendment No. 1.

Amend H. B. No. 88, by adding at the end of Section 3 the following:

"Provided further, that the lien provided for in this Act, shall not attach to any claim for amounts due the injured person by any person, firm, association, corporation, or the receiver, or receivers thereof, owning and/or operating a railroad in this State, where such person, firm,

association, corporation, or receiver, or receivers, or his, its, or their employees, maintain a hospital, furnishing hospitalization to injured persons."

Committee Amendment No. 2.

Amend H. B. No. 88 by adding at the end of Section 1 the following:

"Provided the lien provided for herein shall not exist or attach unless the injured person is received in such hospital within seventy-two hours after the happening of the accident causing the injury."

Committee Amendment No. 3.

Amend H. B. No. 88 by adding after Section 4b the following section to be entitled Section 4c, and read as follows:

Sec. 4c. If any part of this Act is declared by the courts to be unconstitutional such decision shall not affect the validity of the remaining part of this Act, unless the part held unconstitutional is indispensable to the operation of the remaining part and the Legislature hereby declares that it would have passed those parts of this Act which are valid and omitted any parts which may be unconstitutional, if it had been advised of such unconstitutionality at the time of the passage of this Act.

Committee Room,
Austin, Texas, March 27, 1933.
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

S. B. No. 299, A bill to be entitled "An Act amending Article 7065 of the Revised Statutes of 1925, as amended by Chapter 93, Acts of the Regular Session of the Fortieth Legislature and further amended by Chapter 88, Acts of the Second Called Session of the Forty-first Legislature, 1929, the latter Act being more specifically designated as H. B. No. 6, Second Called Session of the Forty-first Legislature, regulating the distribution of automobile license fees by allocating said fees to certain counties, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass with amendments.

HOPKINS, Chairman.

Committee Amendment No. 1.

Amend S. B. No. 299 by striking out Section 10 and inserting in lieu thereof the following:

"Section 10. Apportionment of Funds. On Monday of each week, each Tax Collector shall deposit in the county depository of his county to the credit of the funds herein-after mentioned an amount equal to one hundred per cent of the net collections made during the preceding week until the amount so deposited for the current calendar year shall have reached a total of seventy-five thousand dollars (\$75,000.00). Thereafter, and until the amount so deposited for the year shall have reached a total of one hundred seventy-five thousand dollars (\$175,000.00), he shall deposit to the credit of said funds on Monday of each week, an amount equal to fifty per cent of the collections made during the preceding week. Thereafter, he shall make no further deposit to the credit of said funds during that calendar year. All collections made during any week under the provisions of this Act in excess of the amount required to be deposited to the credit of said funds, shall be remitted by each Tax Collector on each Monday of the succeeding week to the State Highway Department together with carbon copies of each license receipt issued during the preceding week. He shall on Monday of each week remit to the said State Highway Department, as now provided by law, all transfer fees and chauffeurs' license fees collected by him during the preceding week together with carbon copies of all receipts issued for said fees during the week. He shall also accompany all remittances to the State Highway Department with a complete report of such collections made and the disposition made thereof, the form and contents of said report to be prescribed by said State Highway Department.

The Tax Collector of each county shall deposit fifty per cent of the county's portion of all collections to the credit of the County Road and Bridge Fund. He shall deposit the other fifty per cent to the credit of a fund to be known as the Road and Bridge Bond and Warrant Retirement Fund. The County Treasurer of each county shall open a new account to be known as the

Road and Bridge Bond and Warrant Retirement Fund. None of the money so placed to the credit of the Road and Bridge Fund of a county shall be used to pay the salaries or compensation of any county judge or county commissioner, but all of said money shall be used for the construction and maintenance of lateral roads. The funds deposited to the credit of the County Road and Bridge Bond and Warrant Retirement Fund shall be used by the commissioners court for the exclusive purpose of paying the principal and interest of outstanding county road and bridge bonds and warrants that are not eligible to participate or to be absorbed by the State under the provisions of Chapter 13, Acts Third Called Session of the Forty-second Legislature, or any subsequent Act of the Legislature dealing with the retirement by the State of bond obligations of the several counties. If any member of the commissioners court of any county of this State shall vote to transfer or divert said funds to any purpose other than for the retirement of outstanding road and bridge warrants or bonds, he shall be liable to the county on his official bond for a penalty equal in amount to the sum so diverted or transferred, said penalty to be recovered in any court of competent jurisdiction by suit instituted in the name of the county by the county or district attorney. Provided, however, that in all counties having no outstanding road and bridge bonds or warrants that are ineligible to participate in the fund provided by the State for the payment of county obligations, then the Tax Collector shall deposit the full amount of his county's portion of the collections to the credit of the Road and Bridge Fund as herein provided."

Committee Amendment No. 2.

Amend S. B. No. 299 by adding a new section to be known as Section 1-a to read as follows:

Section 1a. It shall be the duty of the commissioners court of each county having bonds and/or warrants to be retired by this Act to file under proper affidavit by the county judge and attested by at least two (2) county commissioners with the Comptroller of Public Accounts a record of the amount of the bonds and/or warrants to be retired, said

record to be made on January 1st of each year, except that the first record shall be made on September 1st after the approval of this Act. The Comptroller of Public Accounts shall permanently file such records.

Committee Amendment No. 3.

Amend the caption to conform to the body of the bill.

Committee Room,
Austin, Texas, March 27, 1933.
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Banking, to whom was referred

S. B. No. 474, A bill to be entitled "An Act to amend Article 2547, Revised Civil Statutes of Texas, as amended by the Forty-first Legislature, at the Regular Session; and as further amended by S. B. No. 123, Acts of the Forty-third Legislature, Regular Session; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be printed in the Journal.

RUSSEK, Chairman.

By Woodul.

S. B. No. 474.

A BILL

To Be Entitled

An Act to amend Article 2547, Revised Civil Statutes of Texas, as amended by the Forty-first Legislature, at the Regular Session, and as further amended by S. B. No. 153, Acts of the Regular Session of the Forty-third Legislature; and declaring an emergency."

Be it enacted by the Legislature of the State of Texas:

Section 1. That Article 2547, Revised Civil Statutes of Texas, as amended by Chapter 11 of the General Laws of the State of Texas, passed by the Forty-first Legislature, at the Regular Session, and as further amended by S. B. No. 153, Acts of the Regular Session of the Forty-third Legislature, be amended so as to hereafter read as follows:

"Article 2547 (2443). Bonds. Within five (5) days after the selection of such depository it shall be the duty of the banking corporation, association or individual banker so selected, to qualify as county depository in one or more of the following

ways, at the option of the commissioners court.

(a) By executing and filing with the commissioners court a bond or bonds, payable to the county judge and his successors in office, to be approved by both the commissioners court and the Comptroller, and immediately thereafter filed in the office of the county clerk of said county, said bond to be signed by not less than five solvent sureties who shall own unencumbered real estate in this State not exempt from execution under the Constitution and laws of this State, of a value equal to or in excess of the amount of said bonds where there is more than one bond; said bond or bonds to be in an amount equal to the estimated highest daily balance of such county as determined by the commissioners court, such estimated daily balance to be in no event less than seventy-five per cent of the highest daily balance of said county for the next preceding year, less the amount of bond funds received and expended, provided, however, in the event that county funds derived from the sale of county securities during the term of such bond are deposited, such commissioners court shall require additional bond and/or bonds, and/or pledge of securities equal to the amount of such additional county funds. The sureties shall file with the commissioners court at the time of filing said bond or bonds a statement containing a description of the unencumbered and non-exempt lands owned by them sufficient to identify such lands on the ground, and such statement shall remain on file with the county clerk and attached to such bond or bonds; and such statements shall contain a value of each tract of land so listed, together with the value of the improvements thereon.

(b) By having issued and executed by some solvent surety company or companies authorized to do business in the State of Texas, such bond or bonds as provided by law, to be in the amount and payable as provided in subdivision "A" hereinabove, which said surety bond shall be approved by both the commissioners court and the Comptroller, and filed in the office of the county clerk of said county. Provided, however, such surety company or companies may be relieved of its or their obligation on thirty days' no-

tice in writing to the commissioners court, such bonding surety company or companies not to be relieved of any liability for loss sustained by the county prior to expiration date of such bond or bonds; and provided further, in the event any surety company or companies shall ask to be relieved of such bond or bonds such depository shall, previous to the termination date of such obligation of such surety company or companies, present further security acceptable to the county commissioners court and the Comptroller and filed in the office of the county clerk of said county, for the securing of county funds in accordance with the provisions of this Act.

(c) In lieu of such personal bonds or surety bonds as above specified, said banking corporation, association or individual banker so selected as the county depository may pledge, and said depository bank is hereby authorized to pledge with the commissioners court for the purpose of securing such county funds, securities of the following kind, in an amount equal to the amount of such county funds on deposit in said depository bank, to-wit: United States bonds, certificates of indebtedness of the United States, bonds of the State of Texas, or of any county, city, town, independent school district, common school district, or bonds issued under the Federal Farm Loan Act, or road district bonds or obligations of market value equal to said bond and pledges of the University of Texas; bank acceptances of banks having a capital stock of not less than five hundred thousand (\$500,000.00) dollars, water improvement district, and water control and improvement district bonds, and the legally issued warrants of any of said municipalities so named, and bonds issued by municipal corporations in Texas; bonds, pledges or other securities issued by the board of regents of The University of Texas; an amount of the following described securities not to exceed 25% of the assessed value of the property in the county as shown by the certified tax roll for the preceding year, viz.: closed first mortgages on improved and unencumbered real estate situated in the State of Texas, provided such security so offered must be first approved by the commissioners court; and before approving such a mortgage tendered as security for de-

posits, the commissioners court shall require a written opinion by an attorney selected by the court, showing that the lien so offered is superior to any and all other claims or rights in the property, and the court shall also require that the improvements on each tract of real estate described in such mortgage be fully insured in some stock fire insurance company, or a mutual fire insurance company having one hundred thousand (\$100,000.00) dollars surplus in excess of all legal reserves and other liabilities, to be approved by the county judge, with loss payable clause in favor of the county judge; such mortgages as may be approved as acceptable security under the provisions of this Article shall be assigned to the county judge by written instrument, duly acknowledged, and the same shall be placed of record forthwith in each county where any part of said real estate is situated; and as security for such deposits, unencumbered, improved real estate, subject to approval of commissioners court, may be pledged directly by deed of trust executed to a trustee selected by the commissioners court, with the county judge as beneficiary, provided that the court shall first require the written opinion of an attorney selected by the court, showing that the lien offered as security for deposits is superior to any and all other claims or rights in the property, and provided further that the court shall require that all improvements on any real estate, so pledged, be fully insured in a stock fire insurance company, or a mutual fire insurance company having one hundred thousand (\$100,000.00) dollars surplus in excess of all legal reserves and other liabilities, approved by the county judge, with loss payable clause in favor of the county judge; and the commissioners court shall investigate all real estate security and determine the value at which such real estate security as is herein described shall be accepted, provided that in no event shall such security be accepted as collateral at a value in excess of 50% of the reasonable market value of the real property covered by such mortgages; and such real estate security as herein described may be withdrawn and replaced by other real estate securities meeting the requirements of this Act, or any class of securities above

enumerated, provided all such withdrawals, substitutions and replacements must be approved by the commissioners court; and the county judge shall execute such instruments as may be necessary to transfer to the depository of its order, all liens so withdrawn, and said commissioners court may accept said securities in lieu of such personal or surety bonds; and such securities so pledged by such depository bank shall be deposited as the commissioners court may direct.

When the securities pledged by a depository bank to secure county funds shall be in excess of the amount required under the provisions of this article, the commissioners court shall permit the release of such excess; and when the county funds deposited with said depository bank shall for any reason increase beyond the amount of securities pledged, said depository bank shall immediately pledge additional securities with the commissioners court so that the securities pledged shall at no time be less than the total amount of county funds on deposit in said depository bank. The right of substitution of securities shall be granted to depositories, provided the securities substituted meet with the requirements of the law and are approved by the commissioners court. Upon the request of such depository bank, the commissioners court shall surrender interest coupons or other evidence of interest, when due, on securities deposited with said commissioners court by such depository bank, provided said securities remaining pledged are ample to meet the requirements of said commissioners court. Such depository may secure said funds by one or more of the ways herein provided, at the option of the commissioners court.

The condition of the personal bond or bonds, or contract for securities pledged, as hereinabove provided, shall be conditioned for the faithful performance of all the duties and obligations devolving by law upon such depository, and for the payment upon presentation of all checks drawn upon said depository by the county treasurer of the county, and that said county funds shall be faithfully kept by said depository and accounted for according to law. Any suits arising thereon shall be tried in the county for which such

depository is selected; and, provided further, that upon reasonable notice to the commissioners court such county depository may change from time to time its method of securing such funds so long as the same are at all times secured in the amount and manner specified herein.

Where separate bonds are given to secure county funds each surety thereunder shall be liable only for such part of any loss sustained by failure of the depository as the amount of each bond shall bear to the aggregate amount of all bonds and/or securities held by the county for protection of the funds covered by said bonds.

In the event of payment of a loss to the county by personal sureties or surety companies, said sureties shall be subrogated by the county in the amount such payment bears to the deposit secured by them or it at the time of default of the depository.

It shall be the duty of the commissioners court to investigate and inquire into the solvency of each and every surety on any personal bond or bonds so filed by such county depository and accepted by the commissioners court and approved as required by law, at least twice during each and every year such bonds are effective and in force, and for that purpose shall have authority to require each surety to render an itemized and verified financial statement under oath showing his true financial condition. If any such statement or statements indicate that any of said sureties have become insolvent, or their net worth depreciated below the amount required by law as such sureties, or if any of the assets listed are shown to be, or are known to be depreciated, or their value in any way impaired, then and in any of such events the commissioners court shall require a new bond meeting fully the requirements of this law; and in case of a bond or bonds the sureties on which are required to own unencumbered and non-exempt real estate as herein provided, such statement shall show each tract of land owned by each surety and the value thereof, and if the statements provided for herein shall indicate that any of such lands have been disposed of or encumbered and the value of the remaining unencumbered or non-exempt lands shall not be sufficient to meet the requirements of this law, then

the said commissioners court shall require a new bond meeting fully the requirements of this law. The commissioners court shall at any time it may deem necessary for the protection of the county, investigate and inquire into the solvency of any surety company or companies issuing a bond or bonds for any depository, and to investigate the value of any of the securities that may be pledged by such depository in lieu of the personal bond; and such commissioners court may request any such depository if it deem advisable, to execute a new bond. If said new bond required by the commissioners court for any reason as herein specified be not filed within five (5) days from the time of the service of a copy of said order upon said depository, the commissioners court may proceed to the selection of another depository in the same manner as provided for the selection of a depository at the regular time for such selection. Nothing in this law shall in any manner limit, restrict or prevent the commissioners court from requiring any depository to execute a new bond at any time such commissioners court may deem it necessary for the protection of the county.

Sec. 2. The fact that Article 2547, Revised Civil Statutes of Texas, 1925, as amended, Acts of the Forty-first Legislature, and as further amended by Senate Bill 153, Acts of the Regular Session of the Forty-third Legislature, requiring depositories to make bonds in an amount equal to the total amount of revenues for such county for the next preceding year, impose on the depository an unjust and oppressive burden, as very small portions of said revenues are ever collected and on deposit in the depository at any given date; and the further fact that surety companies are reluctant and frequently refuse to execute such bonds, and that in times of depression there is little unencumbered real estate in many counties in Texas so that it is practically impossible to have a legal bond executed by any depository in the State for county funds, creates an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each House be suspended, and the same is hereby suspended, and that this Act shall be in force

and take effect from and after its passage, and it is so enacted.

FIFTY-SECOND DAY.

Senate Chamber,
Austin, Texas,
March 28, 1933.

The Senate met at 10 o'clock a. m., pursuant to adjournment, and was called to order by Lieutenant Governor Edgar E. Witt.

The roll was called, a quorum being present, the following Senators answering to their names:

Beck.	Pace.
Blackert.	Parr.
Collie.	Patton.
Cousins.	Poage.
DeBerry.	Purl.
Duggan.	Rawlings.
Fellbaum.	Redditt.
Greer.	Regan.
Holbrook.	Russek.
Hopkins.	Sanderford.
Hornsby.	Small.
Martin.	Stone.
Moore.	Woodruff.
Murphy.	Woodul.
Neal.	Woodward.
Oneal.	

Prayer by the Chaplain.

Pending the reading of the Journal of yesterday, the same was dispensed with on motion of Senator Woodward.

Petitions and Memorials.

(See Appendix.)

Committee Reports.

(See Appendix.)

Bills and Resolutions.

By unanimous consent, the rule relating to the introduction of general bills after the first 52 days of the session was suspended and consent was granted to introduce the following bills:

By Senator Woodruff:

S. B. No. 481, A bill to be entitled "An Act releasing the liens held by the several counties of the State, evidenced by vendor's lien notes, deeds of trust, or other memorandum of record heretofore retained by said counties to secure the payment of all purchase money for school lands purchased from said counties, and declaring an emergency."